

FORM PTO-1390 (REV. 01-2003) US DEPARTMENT OF COMMERCE PATENT & TRADEMARK OFFICE		ATTORNEY'S SCKET NUMBER 123439
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/530,568
INTERNATIONAL APPLICATION NO. PCT/FR03/003193	INTERNATIONAL FILING DATE October 28, 2003	PRIORITY DATE CLAIMED October 28, 2002
TITLE OF INVENTION METHOD FOR NGF ASSAY FOR IN VITRO DIAGNOSIS OF BREAST CANCER AND THERAPEUTIC USE		
APPLICANTS FOR DO/EO/US Eric ADRIAENSSENS; Genevieve CHOQUET-KASTYLEVSKY; Laurent DOLLE; Belkoura Ikram EL-YAZIDI; Hubert HONDERMARCK		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input type="checkbox"/> The US has been elected (Article 31). 5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). c. <input type="checkbox"/> The International Application was filed in English. 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).		
Items 11 to 20 below concern document(s) or information included:		
11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input type="checkbox"/> A preliminary amendment. 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825. 18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 20. <input type="checkbox"/> Other items or information:		

U.S. APPLICATION NO. (if known, see 37 C.F.R. 10/530,568)		INTERNATIONAL APPLICATION NO. PCT/FR03/003193		ATTORNEY'S DOCKET NUMBER 125409	
21. <input type="checkbox"/> The following fees are submitted:				CALCULATIONS PTO USE ONLY	
BASIC NATIONAL FEE (37 CFR 1.492(a)): \$ 300.00				\$	
SEARCH FEE (37 CFR 1.492(b)(1)-(3)):				\$	
International preliminary examination report or written opinion prepared by the USPTO as IPEA or ISA and favorable as to novelty, inventive step, and industrial applicability for all claims presented in the application entering the national stage \$ 0.00					
International search fee (37 CFR 1.445(a)(2)) paid to USPTO as ISA \$ 100.00					
International search report provided to USPTO no later than the time at which the search fee is paid \$ 400.00					
All situations not provided for above \$ 500.00					
EXAMINATION FEE (37 CFR 1.492(c)(1)-(2)):				\$	
International preliminary examination report or written opinion prepared by the USPTO as IPEA or ISA and favorable as to novelty, inventive step, and industrial applicability for all claims presented in the application entering the national stage \$ 0.00					
All situations not provided for above \$ 200.00					
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
TOTAL PAGES OF APPLICATION OVER 100 (- 100)	÷ 50	= †	x 250 =	\$	
†round up to next integer					
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
TOTAL CLAIMS	- 20	=	x 50.00 =	\$	
INDEPENDENT CLAIMS	- 3	=	x 200.00 =	\$	
MULTIPLE DEPENDENT CLAIM(S)(if applicable)			+ 360.00 =	\$	
TOTAL OF ABOVE CALCULATIONS =				\$	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	
SUBTOTAL =				\$	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
TOTAL NATIONAL FEE =				\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$	
TOTAL FEES ENCLOSED =				\$	
				Amount to be refunded:	\$
				charged:	\$
a. <input type="checkbox"/> Check No. _____ in the amount of \$ _____ to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 15-0461. A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO: OLIFF & BERRIDGE, PLC Customer Number: 25944					
				NAME: William P. Berridge REGISTRATION NUMBER: 30,024	
Date <u>July 6, 2005</u>				NAME: Philip A. Caramanica, Jr. REGISTRATION NUMBER: 51,528	

Rec'd PCPTO 06 JUN 2005

PATENT APPLICATION

#4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Eric ADRIAENSSENS et al.

Application No.: 10/530,568

Filed: April 7, 2005

Docket No.: 123439

For: METHOD FOR NGF ASSAY FOR IN VITRO DIAGNOSIS OF BREAST CANCER AND
THERAPEUTIC USE

INFORMATION DISCLOSURE STATEMENT

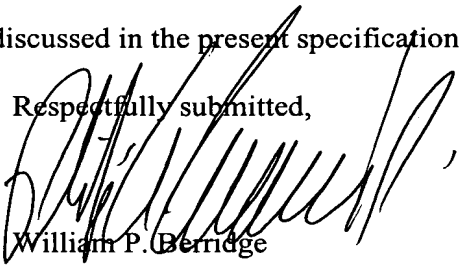
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR §1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO-1449. Unless otherwise indicated herein, one copy of each reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

- ☒ 1. This Information Disclosure Statement is being filed (a) within three months of the U.S. filing date of this non-CPA application, OR (b) before the mailing date of a first Office Action on the merits in the present application. No certification or fee is required.
- ☒ 2. Relevance of the references 1-28 are discussed in the present specification.

Respectfully submitted,


William P. Berridge
Registration No. 30,024

Philip A. Caramanica, Jr.
Registration No. 51,528

WPB:PAC/mps

Date: July 6, 2005

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DEPOSIT ACCOUNT USE
AUTHORIZATION
Please grant any extension
necessary for entry;
Charge any fee due to our
Deposit Account No. 15-0461

Form PTO-1449 (REV. 8-83)		US Dept. of Commerce PATENT & TRADEMARK OFFICE		ATTY DOCKET NO. 123439		APPLICATION NO. 10/530,568	
INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)				APPLICANTS Eric ADRIAENSSENS et al.			
				FILING DATE April 7, 2005		GROUP	
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	
	1	WO 94/06935 A1	3/31/1994	WIPO			
	2	FR 2 781 802 B1	5/11/2001	FRANCE			
	3	WO 95/08000	3/23/1995	WIPO			
	4	WO 03/076942 A2	9/18/2003	WIPO			
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)							
	5	BASUYAU et al., "Standards, Options and Recommendations (SOR) for Tumor Markers in Breast Cancer," <i>Bull Cancer</i> 2000, no. 87, pp. 723-737 {2000}					
	6	SPRINGER, "Immunoreactive T and Tn Epitopes in Cancer Diagnosis, Prognosis, and Immunotherapy," <i>J. Mol. Med.</i> , no. 75, pp. 594-602 {1997}					
	7	GNJACTIC et al., "Accumulation of the p53 Protein Allows Recognition by Human CTL of a Wild-Type p53 Epitope Presented by Breast Carcinomas and Melanomas," <i>Journal of Immunology</i> , no. 160, pp. 328-333 {1998}					
	8	DISIS et al., "HER-2/neu Protein: A Target for Antigen-Specific Immunotherapy of Human Cancer," <i>Adv Cancer Res.</i> , no. 71, pp. 343-371 {1997}					
	9	JAGER et al., "Cancer-testis Antigens and ING1 Tumor Suppressor Gene Product are Breast Cancer Antigens: Characterization of Tissue-Specific ING1 Transcripts and a Homologue Gene," <i>Cancer Research</i> , no. 59; pp. 6197-6204 {1999}					
	10	JAGER et al., "Identification of a Tissue-Specific Putative Transcription Factor in Breast Tissue by Serological Screening of a Breast Cancer Library," <i>Cancer Research</i> , no. 61, pp. 2055-2061 {2001}					
	11	SCANLAN et al., "Challenges to the Development of Antigen-Specific Breast Cancer Vaccines," <i>Breast Cancer Research</i> , no. 3, pp. 95-98 {2001}					
	12	DESCAMPS et al., "Nerve Growth Factor is Mitogenic for Cancerous But Not Normal Human Breast Epithelial Cells," <i>The Journal of Biological Chemistry</i> , vol. 273, no. 27, pp. 16659-16662 {July 3, 1998}					
	13	DESCAMPS et al., "Nerve Growth Factor Stimulates Proliferation and Survival of Human Breast Cancer Cells Through Two Distinct Signaling Pathways," <i>The Journal of Biological Chemistry</i> , vol. 276, no. 21, pp. 17864-17870 {May 25, 2001}					
	14	LEVI-MONTALCINI et al., "The Nerve Growth Factor 35 Years Later," <i>Science</i> , vol. 237, pp. 1154-1162 {1987}					
	15	TORCIA et al., "Nerve Growth Factor is an Autocrine Survival Factor for Memory B Lymphocytes," <i>Cell</i> , vol. 85, pp. 345-356 {May 3, 1996}					
EXAMINER					DATE CONSIDERED		
Examiner: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

Date: July 6, 2005

Form PTO-1449 (REV. 8-83)		US Dept. of Commerce PATENT & TRADEMARK OFFICE		ATTY DOCKET NO. 123439		APPLICATION NO. 10/530,568	
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				FILING DATE April 7, 2005		GROUP	
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)							
	16	DESCAMPS et al., "Expression of Nerve Growth Factor Receptors and Their Prognostic Value in Human Breast Cancer," <i>Cancer Research</i> , no. 61, pp. 4337-4340 {June 1, 2001}					
	17	BONINI et al., "Circulating Nerve Growth Factor Levels are Increased in Humans with Allergic Diseases and Asthma," <i>Proc. Natl. Acad. Sci. USA</i> , vol. 93, pp. 10955-10960 {October 1996}					
	18	CHEVALIER et al., "Biotin and Digoxigenin as Labels for Light and Electron Microscopy in Situ Hybridization Probes: Where Do We Stand?" <i>The Journal of Histochemistry & Cytochemistry</i> , vol. 45, no. 4, pp. 481-491 {1997}					
	19	PATTERSON, "Mass Spectrometry and Proteomics," <i>Physiological Genomics</i> 2, pp. 59-65 {2000}					
	20	METEZEAU et al., <i>La Cytometrie En Flux</i> , vol. I, Medsi/McGraw-Hill Publications, pp. 21-74 {before October 2003}					
	21	<i>Intracellular Flow Cytometry, Applied Reagents and Techniques</i> , pp. 1-21, BD Pharmingen {October 2000}					
	22	HONDERMARCK et al., "Early Changes in Protein Synthesis Induced by Basis Fibroblast Growth Factor, Nerve Growth Factor, and Epidermal Growth Factor in PC12 Pheochromocytoma Cells," <i>Proc. Natl. Acad. Sci. USA</i> , vol. 91, pp. 9377-9381 {September 1994}					
	23	HATTORI et al., "Tumor Necrosis Factor Stimulates the Synthesis and Secretion of Biologically Active Nerve Growth Factor in Non-neuronal Cells," <i>The Journal of Biological Chemistry</i> , vol. 268, no. 4, pp. 2577-2582 {February 5, 1993}					
	24	KUMAR et al., "The first Analogues of LNA (Locked Nucleic Acids): Phosphorothioate-LNA and 2'-Thio-LNA," <i>Bioorganic & Medicinal Chemistry Letters</i> , vol. 8, Issue 16, pp. 2219-2222 {August 18, 1998}					
	25	EGHOLM et al., "Peptide Nucleic Acids (PNA). Oligonucleotide Analogues with an Achiral Peptide Backbone," <i>J. Am. Chem. Soc.</i> , no. 114, pp. 1895-1897 {1992}					
	26	TAPLEY et al., "K252a is a Selective Inhibitor of the Tyrosine Protein Kinase Activity of the <i>trk</i> Family of Oncogenes and Neurotrophin Receptors," <i>Oncogene</i> , no. 7, pp. 371-381 {1992}					
	27	DYKXHOORN et al., "Killing the Messenger: Short RNAs that Silence Gene Expression," <i>Nature Review</i> , vol. 4, pp. 457-467 {June 2003}					
	28	MALECK et al., "Methods in Molecular Biology", no. 28, Ch. 36, Ed P.G. Issac, Humana Press, Inc., Totowa, NJ {1994}					
EXAMINER					DATE CONSIDERED		
Examiner: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							